TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1899.

No. [illegible]

THE COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR, PLAINTIFF IN ERROR,

vs.

THE STATE BOARD OF HEALTH OF LOUISIANA, EDMOND SOUCHON, HAMPDEN S. LEWIS, AND CHARLES A. GAUDET.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

FILED MAY 8, 1899.

(17,896.)

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SUPREME COURT OF THE UNITED STATES.

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., DECEMBER 1, 1899.

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a UNITED STATES OF AMERICA:

Supreme Court of the State of Louisiana.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR, Plaintiff in Error,
versus
STATE BOARD OF HEALTH, EDMOND SOUCHON, HAMPDEN S. Lewis, and Charles A. Gaudet, Defendants in Error. } No. 13076.

Howe, Spencer & Cocke, for plaintiff in error.
Francis C. Zacharie, for defendants in error.

Writ of error to the supreme court of the State of Louisiana from the Supreme Court of the United States of America, returnable at the city of Washington, District of Columbia, within thirty (30) days from the thirteenth (13th) day of April, A. D. 1899.

TRANSCRIPT OF RECORD.

1 *Original Petition.*

Civil District Court, Div. —.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 57543.

To the honorable the judges of the civil district court for the parish of Orleans:

The Compagnie Francaise de Navigation a Vapeur brings this its suit against the State Board of Health of the State of Louisiana and against Edmond Souchon, Charles A. Gaudet, and Hampden S. Lewis, members of said State Board of Health; and thereupon your petitioner complains and says:

1. Your petitioner is a corporation created by and existing under the laws of the Republic of France and a citizen of said Republic, domiciled in the city of Marseilles, in the Republic of France, and of which Cyprien Fabre et Cie. are managers in Marseilles and James Sawers & Son in the city of New Orleans, and is the owner of a large number of steamships and is engaged in the business of transportation of freight and passengers for hire from various ports on the Mediterranean sea to various ports in the United States, and more particularly to the port of New Orleans; that your petitioner is more particularly the owner of the steamship Brittania, which is engaged in the transportation of freight and passengers between the ports of Palermo and Messina, Italy, and the port of New Orleans, in the State of Louisiana.

2. That the defendant The State Board of Health is a body created by act No. 192 of the General Assembly of Louisiana of the

year 1898, with power to sue and be sued, domiciled in this city and composed of seven members, whose duty it is by the provisions of said act to protect and preserve the public health by preparing and promulgating a sanitary code for the State of Louisiana, by providing for the general sanitation of the State, and with authority to regulate infectious and contagious diseases and to prescribe a maritime and land quarantine against places infected with such diseases.

3. That the other defendants to this suit, to wit, Edmond
2 Souchon, Hampden S. Lewis, and Charles A. Gaudet, are members of said board and are residents and citizens of this city and State.

4. That in the course of petitioner's said business of transporting freight and passengers from ports on the Mediterranean sea to ports in the United States, your petitioner caused its steamship Brittania, on or about the 2nd day of September, 1898, to be cleared from the ports of Palermo, Italy, and Marseilles, France, for the port of New Orleans with a cargo of about one hundred tons of general merchandise and with about four hundred and eight passengers, said freight being destined for the port of New Orleans, State of Louisiana, and some of said passengers were persons designing and intending to enter the United States through the port of New Orleans for the purpose of settling in the State of Louisiana and adjoining States, and some were citizens of the United States and residents of the State of Louisiana who were returning to their homes.

5. That said passengers were in all respects at said time and ever since have been free from infectious or contagious diseases of any kind and were so free from any such diseases at the time of the arrival of said steamship at the quarantine station established by the defendant The State Board of Health some distance below the city of New Orleans, on the Mississippi river, about 8.40 o'clock a. m., on the 29th day of September, 1898; that on the same day, in accordance with the regulations of said defendant, The State Board of Health, said vessel was regularly inspected and her freight and passengers examined by the officers of the said State Board of Health and it was found that her passengers and cargo were entirely free from any infectious or contagious disease or from any disease which was likely to affect the health of the people of New Orleans or the State of Louisiana, and accordingly she was given a clean bill of health.

6. That notwithstanding this fact and although under the rules and regulations of said defendant, The State Board of Health, said vessel should have been permitted to at once proceed to her destination at the port of New Orleans, and there to discharge her cargo and passengers, and notwithstanding that her said cargo and pas-
3 sengers continued free of all infectuous or contagious disease or any disease likely to affect the health of the people of said city or State, and although said vessel had complied with all the regulations of said board, said State Board of Health, on the 29th day of September, 1898, at a session convened at its office in the city of New Orleans, whereat the following members were

present, voting affirmatively, and assenting, to wit, Edmond Souchon, Charles A. Gaudet, and Hampden S. Lewis, passed a resolution prohibiting in effect the said vessel from coming into the port of New Orleans and there discharging its passengers, a certified copy of which resolution petitioner annexes hereto and makes same a part of this petition; that in pursuance of said resolution Dr. Edmond Souchon, president of said State Board of Health, served a notice on the agents of your petitioner, James Sawers & Son, prohibiting the landing of said steamship at the port of New Orleans and at the various other places mentioned therein for the purpose of discharging said passengers, and subsequently the president of said State Board of Health notified the agents of your petitioner that if they attempted to land said passengers at any place contiguous to the port of New Orleans not at the present quarantined that quarantine would at once be established at such place, and that said passengers would not be allowed to land there; that said prohibition virtually applied to all the territory within one hundred miles of the port of New Orleans, and in effect debarred said steamship from landing at any place in the State of Louisiana for the purpose of discharging said passengers, and your petitioner annexes hereto and makes part hereof the notice so received from said State Board of Health.

-. Petitioner avers that while said resolution on its face purports to be general in its character, that as a matter of fact same was passed for the specific purpose of prohibiting and preventing said steamship Brittania from landing in the State of Louisiana and discharging said passengers therein, inasmuch as for some time prior thereto, and even subsequent to the passage of said ordinance, said board of health has permitted large bodies of persons coming directly from the same ports in Italy and Sicily via the port of New York to be brought into the city of New Orleans by various railroad companies, and ever since the promulgation of said ordinance more than two hundred such persons, varying in groups of thirty to one
4 hundred in number, have from time to time been permitted to enter said city.

8. Petitioner avers that said State Board of Health pretends to base its right to thus exclude persons in good health and not affected with any infectuous or contagious disease from the port of New Orleans and neighboring territory upon the authority of said act No. 192 of 1898, and especially under the following portion of section 8 of said act, to wit:

"The State Board of Health, in its discretion, may prohibit the introduction into any infected portion of the State persons acclimated, unacclimated, or said to be immune, when in its judgment the introduction of such persons would add to or increase the prevalence of the disease."

9. Petitioner avers that said portion of said section 8 of said act No. 192 of 1898 does not confer upon the said State Board of Health the right to exclude healthy persons from coming from various foreign ports into the port of New Orleans, as pretended by them, and if said section does so confer upon said board said pretended right

and authority, same is in violation of the Constitution of the United States, inasmuch as it is an attempt on the part of the State of Louisiana to regulate or prohibit commerce from foreign countries into the United States, or to authorize the regulation or prohibition thereof by said board, and is especially in contravention of article 1, paragraph 8, section 3, thereof, which provided that Congress shall have exclusive power to regulate commerce with foreign nations and among the several States; and petitioner specially pleads and claims the benefit and protection of said provision of the Constitution.

10. Your petitioner avers that this *is* arbitrary and illegal action of said State Board of Health and the individual members thereof, by detaining said vessel at the quarantine station and preventing her from proceeding to the city of New Orleans and there discharging her passengers and cargo, has caused great damage, and is causing and will continue to cause your petitioner further damage to an amount of more than five hundred dollars, and for every day that said vessel is prohibited from discharging said passengers, for the reason that by law and by contract petitioner is compelled to furnish said passengers with lodging and with food, and besides is subjected to a heavy expense in the way of wages for its crew and officers, and various other and sundry expenses which it would not be compelled to suffer were it permitted to land said vessel and discharge its passengers and cargo, as it has a right to do; that said arbitrary and illegal action of said board and the members thereof will cause your petitioner to suffer heavy damages in the way of loss of business, for the reason that the agents of said steamship in the city of New Orleans have procured for and bound said ship to receive a large and complete cargo of freight destined for ports in Europe, for all of which damage the defendants are liable *in solido* to your petitioner; that by reason of said arbitrary and illegal action of said board and the members thereof your petitioner has already suffered damages from the cause aforesaid in the sum of twenty five hundred dollars, and it reserves its right to amend this petition hereafter and claim of said board and the members thereof *in solido* any further damage which it may suffer in the premises.

That unless said State Board of Health be restrained by this honorable court it will persist in its illegal and arbitrary refusal to permit said steamer to land said passengers in this city, to the great and irreparable injury of petitioner, and your petitioner avers that for the protection of its rights in the premises it is entitled to and desires a writ of injunction, directed against the said board of health, its officers and agents, prohibiting and enjoining them and each of them from interfering with or preventing the landing of said steamship at the port of New Orleans and from unloading and discharging its said cargo and passengers.

Wherefore, the premises and the annexed affidavit being considered, petitioner prays that said State Board of Health, through Edmond Souchon, its president, and said Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet, be cited to answer

hereto; that upon petitioner furnishing bond with good and sufficient surety in an amount to be fixed by the court that a writ of injunction issue herein, directed to said board of health, enjoining and prohibiting it and its officers, agents, and employees, and each of them, from enforcing said resolution or ordinance of said board of date 29th September, 1898, or from prohibiting or interfering in any manner your petitioner from bringing its said steamship Brit-
tania to the port of New Orleans and there discharging its
6 passengers and cargo; that after due proceedings had that there be judgment in favor of your petitioner and against said State Board of Health and Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet *in solido* in the full sum of twenty-five hundred dollars damages, with legal interest from judicial demand, and reserving unto petitioner the right to claim from said defendants any further damages which it may hereafter be caused by their said illegal acts; that said portion of section 8 of said act No. 192 of 1898 hereinabove set forth be declared null and void, as being in contravention of the Constitution of the United States, and that said writ of injunction be made perpetual; and petitioner prays for costs and for all general and equitable relief.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Plaintiff.

Copy.

EXHIBIT A.

LOUISIANA STATE BOARD OF HEALTH,
September 29th, 1898.

Messrs. Jas. Sawers & Son, agents S. S. "Brittania," New Orleans, La.

GENTLEMEN: Referring to the detention of the S. S. Brittania at the Miss. River quarantine station, with 408 Italian immigrants on board, I have to inform you that under the provisions of the new State Board of Health law, section 8, of which I enclose a marked copy, this board has adopted a resolution forbidding the landing of any body of people in any town, city, or parish in quarantine. Under this resolution the immigrants now on board the "Brittannia" cannot be landed in any of the following parishes of Louisiana, namely: Orleans, St. Bernard, Jefferson (right bank), St. Tammany, Plaquemines, St. Charles, or St. John. You will therefore govern yourselves accordingly.

Respectfully,
(Signed) EDMOND SOUCHON, M. D.,
President Louisiana State Board of Health.

7 A true copy.
G. FARRAR PATTON, M. D., *Sec'ty.*

Copy.

EXHIBIT B.

SEPTEMBER 29TH, 1898.

Resolution adopted in special session by the Louisiana State Board of Health, September 29th, 1898:

"Resolved, That hereafter in the case of any town, city or parish of Louisiana being declared in quarantine, no body or bodies of people, immigrants, soldiers, or others shall be allowed to enter said town, city or parish so long as said quarantine shall exist, and that the president of the board shall enforce this resolution."

A true copy.

(Signed) G. FARRAR PATTON, M. D., *Sec'y.*

Supplemental and Amended Petition.

Civil District Court, Parish of Orleans, Div. C.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 57543.

To the honorable the judges of the civil district court for the parish of Orleans:

The supplemental and amended petition of the Compagnie Francaise de Navigation a Vapeur, plaintiff in the above entitled and numbered cause, with respect shows:

1. Your petitioner reiterates all and singular the allegations of its original petition, except in so far as same may be herein modified.

2. That since the filing of its original petition your petitioner has suffered additional damages, as hereinafter set forth, in a sum exceeding eight thousand five hundred dollars ($8,500), for which, for the reasons set forth in its original and this its supplemental petition, said defendants are liable *in solido* unto your petitioner; that said damage was occasioned by reason of the illegal, unjust, and arbitrary action aforesaid of said State Board of Health and said individual members thereof in the exclusion from the city and port of New Orleans of said vessel and passengers, some of whom, as heretofore alleged, were citizens of the United States returning to their homes, and some of whom were subjects of the King of Italy entitled to the protection of the treaties between said sovereign and the United States and who intended to avail themselves of the laws of the United States regulating immigration by entering the State of Louisiana to establish residence in said State or adjoining States; that said immigrants and other passengers were so excluded and prevented from landing, notwithstanding the fact that said steamer Britania had complied with all the laws of the United States regulating commerce with foreign

8

nations, quarantine, and immigration into the United States, and notwithstanding that said immigrants were coming from ports which were not infected with any contagious or infectious disease and were not themselves infected with any such disease, but were at the time of their departure and at all times thereafter free from any infectious or contagious diseases or diseases that were likely to affect the public health of the citizens of New Orleans or State of Louisiana, and were under the immigration laws entitled to enter; that your petitioners had no notice of the intended action of the defendant in so prohibiting the landing of said passengers and immigrants until the arrival of their steamer Britania at the port of New Orleans, said steamer having sailed prior to the declaration by said board of the existence of an infectious disease in the city of New Orleans.

3. That by reason of the illegal and arbitrary conduct of
9 the defendants your petitioner was compelled for many days to keep said vessel moored in the river below the city of New Orleans, with all of its said passengers, crew, and cargo aboard; and as said defendants persisted in their said illegal and arbitrary refusal to permit the landing of said immigrants and passengers, in order to minimize as much as possible its damages, your petitioner was compelled to send its said steamer to the port of Pensacola, Florida, which was the nearest available port to the port of New Orleans, and there disembark said immigrants and passengers and thereafter to cause its said steamer to return to the port of New Orleans to discharge its cargo; that said voyage to and from Pensacola from and to New Orleans, so occasioned, caused a loss of time to said vessel, even with the utmost dispatch, of more than three weeks; that during the illegal detention of said vessel in the Mississippi river and during the voyage to Pensacola, and while in said port, your petitioner was at great expense in the maintenance and care of said immigrants, passengers, and crew of said vessel. Moreover, your petitioner suffered great damages, as will be shown on the trial of this case, in the way of extra wages of officers and crew, extra fuel and supplies consumed on said voyage between New Orleans and Pensacola, as well as during the said illegal detention, extra compensation to its agents in this city and at Pensacola, cablegrams, and sundry other expenses. Furthermore, your petitioner has suffered large damages by reason of the fact that said vessel thus lost more than twenty-one days on the voyage from her home port and return, which delay occasioned petitioner a large loss, both of business and profits, and the damages thus occasioned to your petitioner by said illegal and arbitrary action of said defendant exceeds in the aggregate the sum of eleven thousand dollars, and said expenses and damages were caused solely by said illegal and arbitrary action of said board and not otherwise.

4. That said action of said defendants in prohibiting the entrance and landing of said passengers and immigrants in the port of New Orleans and the State of Louisiana was, moreover, in violation of the laws of the United States and the rules and regulations made in pursuance thereof relating to quarantine at and immigration

from foreign countries into ports of the United States, and
10 especially acts of Congress approved February 15, 1893, and the rules and regulations made in pursuance thereof, and acts of Congress of March 3, 1893, August 3, 1882, and June 26, 1884, and the rules and regulations made in pursuance thereof, and of the treaties now existing between the United States, on the one part, and the Kingdom of Italy and the Republic of France, on the other part, and petitioner specially pleads and claims the benefit of said acts and treaties.

Wherefore, the premises considered, petitioner prays leave that this its supplemental and amended petition may be filed; that said defendants may be cited to answer hereto; that after due proceeding had there be judgment in favor of your petitioner and against the said defendants, as in its original petition prayed for; and, further, that there be judgment in favor of your petitioner and against the said defendants *in solido* in the full sum of eleven thousand dollars, with legal interest from judicial demand; and petitioner prays for costs and for general relief.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Plaintiff.

Service accepted and citation waived.
(Signed) F. C. ZACHARIE,
Att'y for Defendants.

Exception of No Cause of Action.

Civil District Court, Div. C.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 57543.

And now come the defendants, through undersigned counsel, and without pleading at this time to the merits for peremptory exception to the plaintiff's original and supplemental petition say that said original and supplemental petitions and the documents thereunto annexed disclose no cause of action against these defendants or either of them.

Wherefore, the premises considered, defendants pray that this exception be maintained, and that plaintiff's demand be rejected at its cost; and defendants pray for general relief.

(Signed) F. C. ZACHARIE,
Att'y for Def'ts.

11 *Judgment.*

Civil Dist. Court, Parish of Orleans, Div. "C."

COMPA-NIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH. } No. 57543.

For the reasons assigned in the written opinion of the court on this day delivered and filed, the law being in favor of defendants and against plaintiff—

It is ordered, adjudged, and decreed that defendant's exception of "no cause of action" be maintained and the suit of the plaintiff company is dismissed at its cost.

Judgment rendered January 26th, 1899.

Judgment signed January 27th, 1899.

(Signed) F. A. MONROE, *Judge.*

Motion for a Suspensive Appeal.

Civil District Court, Division C.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 57543.

On motion of Howe, Spencer & Cocke, attorneys for the plaintiff in the above entitled and numbered cause, and on suggesting to the court that there is manifest error to the plaintiff's prejudice in the judgment rendered on the twenty-sixth day of January, 1899, and signed on the 27th day of January, 1899, maintaining the defendants' exception of no cause of action and dismissing the plaintiff's suit, and on further suggesting to the court that plaintiff desires to take a suspensive appeal therefrom to the supreme court of Louisiana—

It is ordered that the plaintiff be, and is hereby, granted a suspensive appeal from said judgment to the supreme court of Louisiana, returnable on or before the next return day, to wit, the 1st Monday of February, 1899, on plaintiff's furnishing good and solvent bond, conditioned according to law, for the sum of —($150.00) dollars.

Filed Jan'y 27, 1899.

And entered on minutes of same day.

(Signed) JOE GARIDEL, *D'y Clerk.*

12 *Appeal Bond.*

Know all men by these presents that we, Compagnie Francaise de Navigation a Vapeur, as principal, and James Sawers & Sons, as sureties, are held and firmly bound unto Paul O. Guerin, clerk of the civil district court for the parish of Orleans, his successors, ex-

ecutors, administrators, and assigns, in the sum of one hundred and fifty dollars; for the payment whereof we bond ourselves, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated in the city of New Orleans on this 27th day of January, in the year of our Lord one thousand eight hundred and ninety-nine.

Whereas the above-bounden Compagnie Francaise de Navigation a Vapeur has this day filed its motion of appeal from a final judgment rendered against it in the suit of Compagnie Francaise de Navigation a Vapeur *vs.* State Board of Health *et als.*, No. 57543 of the civil district court for the parish of Orleans, on the 26th day of January, 1899, and signed on the 27th day of January, 1899:

Now, the condition of the above obligation is such that the above-bounden Compagnie Francaise de Navigation a Vapeur shall prosecute its appeal and shall satisfy whatever judgment may be rendered against it or that the same shall be satisfied by the proceeds of its estate, real or personal, if it be cast in the appeal; otherwise that the said James Sawers & Sons shall be liable in its place.

(Signed) COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR,
By HOWE, SPENCER & COCKE, *Att'ys.*
JAMES SAWERS & SONS.

Supreme Court of Louisiana.

Transcript of appeal filed January 31st, 1899.

Assignment of Errors.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR *vs.* STATE BOARD OF HEALTH ET ALS.	No. 13076. Supreme Court of Louisiana.

Now comes plaintiff, appellant herein, and assigns for error in the opinion, judgment, and decree of the lower court as follows:

First. The court erred in sustaining the peremptory ex-
13 ception of the defendants.

Second. The court erred in dismissing the plaintiff's suit.

Third. The court erred in holding that section 8 of act 192 of 1898, or any portion thereof, conferred or purported to confer upon the State Board of Health the authority to exclude or interfere with legitimate foreign commerce.

Fourth. Even if said section 8 of said act 192 of 1898 did attempt to confer upon the State Board of Health authority to exclude or interfere with legitimate foreign commerce in the manner admitted by said exception, the court erred in holding that said section 8 of said act 192 of 1898, as construed and applied by the defendants, was not repugnant to the 8th section of the first article of the Constitution of the United States.

Fifth. Even if said section 8 of act 192 of 1898 did intend to confer

upon the State Board of Health the right and authority to exclude or interfere with the subjects and citizens of foreign governments seeking to enter the State of Louisiana in the manner conceded by the exception, the court erred in holding that said section 8 of said act 192 of 1898, as construed and applied by the defendants, was not in conflict with the treaties between the United States, on the one part, and the Republic of France and the Kingdom of Italy, on the other part, guaranteeing certain rights and privileges and immunities to the subjects and citizens of said foreign countries.

Sixth. The court erred in sustaining the peremptory exception of defendants and in dismissing the suit of the plaintiff in this, that section 8 of act 192 of 1898, relied upon by the defendants and as construed and applied by the court, contravenes the 14th article of the amendment of the Constitution of the United States, section 1, by depriving the plaintiff of its liberty and property without due process of law, and by denying to it the equal protection of the law.

14 Seventh. That the court erred in holding that said section 8 of said act 192 of 1898, relied upon by the defendants and as construed and applied by the court, did not contravene acts of Congress approved August 3, 1882, June 26, 1884, February 26, 1885, March 3, 1891, February 23rd, 1887, and March 3, 1875, regulating foreign immigration into the United States.

And for these and other errors apparent on the face of the record plaintiff prays that the judgment of the civil district court, division C, be reversed and this cause remanded to that court, with instructions to proceed with the trial thereof on the merits.

(Signed) HOWE, SPENCER & COCKE,
Attorneys for Plaintiff, Appellant.

(Endorsed:) No. 13076. Supreme court of Louisiana. Compagnie Francaise, etc., *vs.* State Board of Health *et al.* Assignment of errors. Filed Febr'y 9th, 1899. (Signed) Paul E. Mortimer, deputy clerk.

Judgment of the Court.

(Extract from the Minutes.)

NEW ORLEANS, THURSDAY, *March* 23*rd*, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice; Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, associate justices.

His honor the chief justice pronounced the opinion and judgment of the court in the following case:

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 13076.

On appeal from the civil district court for the parish of Orleans.

For the reasons assigned, it is ordered and decreed that the judgment appealed from be, and the same is hereby, affirmed.

Opinion of the Court.

UNITED STATES OF AMERICA,
State of Louisiana.

Supreme Court of the State of Louisiana.

NEW ORLEANS, THURSDAY, *March 23rd*, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice; Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, associate justices.

His honor the chief justice pronounced the opinion and judgment of the court in the following case:

15 COMPAGNIE FRANCAISE DE NAVIGATION A Vapeur
vs.
STATE BOARD OF HEALTH ET ALS. } No. 13076.

Appeal from the civil district court for the parish of Orleans.

This case is before us on an appeal by the plaintiffs from a judgment of the civil district court sustaining an exception of no cause of action filed by the defendants and dismissing their suit.

Plaintiffs' demand is set out in two petitions.

In the first of these petitions they alleged that they were a corporation created by and existing under the laws of the Republic of France and the owner of a large number of steamships, and were engaged in the business of transportation of freight and passengers for hire from various ports on the Mediterranean sea to various ports in the United States, and more particularly to the port of New Orleans; that petitioners were more particularly the owners of the steamship "Britannia," which was engaged in the transportation of freight and passengers between the ports of Palermo and Messina, Italy, and the port of New Orleans, in the State of Louisiana.

That the defendant The State Board of Health was a body created by act No. 192 of the General Assembly of the State of Louisiana of the year 1898, with power to sue and be sued, domiciled in this city, and composed of seven members, whose duty it was, by the provisions of said act, to protect and preserve the public health by preparing and promulgating a sanitary code for the State of Louisiana, by providing for the general sanitation of the State, and with authority to regulate infectuous and contagious diseases and to prescribe a maritime and land quarantine against places infected with such diseases.

That the other defendants to their suit, to wit, Edmond
16 Souchon, Hampden S. Lewis, and Charles A. Gaudet, were members of said board and residents and citizens of the parish of Orleans.

That in the course of petitioners' said business of transporting freight and passengers from ports on the Mediterranean sea to ports in the United States petitioners caused their steamship Brittania, on or about the second day of September, 1898, to be cleared from the ports of Palermo, Italy, and Marseilles, France, for the port of New Orleans with a cargo of about one hundred tons of general merchandize and with about four hundred and eight passengers, said freight being destined for the port of New Orleans, State of Louisiana, and some of said passengers were persons designing and intending to enter the United States through the port of New Orleans for the purpose of settling in the State of Louisiana and adjoining States, and some were citizens of the United States and residents of the State of Louisiana who were returning to their homes.

That said passengers were in all respects at said time and ever since free from infectuous or contagious diseases of any kind and were so free from any such diseases at the time of the arrival of said steamship at the quarantine station established by the defendant The State Board of Health some distance below the city of New Orleans, on the Mississippi river, about eight o'clock a. m., on the twenty-ninth (29th) day of September, 1898; that on the same day, in accordance with the regulations of said defendant, The State Board of Health, said vessel was regularly inspected and her freight and passengers examined by the officers of the said board of health, and it was found that her passengers and cargo were entirely free from any infectious or contagious disease or from any disease which was likely to affect the health of the people of New Orleans or the State of Louisiana, and accordingly she was given a clean bill of health.

That notwithstanding this fact, and although under the rules and regulations of said defendant, The State Board of Health, said vessel should have been permitted to at once proceed to her destination at the port of New Orleans, and there to discharge her cargo and passengers, and notwithstanding that her said cargo and passengers continued free of all infectious or contagious disease or any disease likely to affect the health of the people of said city or State,
17 and although said vessel had complied with all the regulations of said board, said State Board of Health on the twenty-ninth (29th) day of September, 1898, at a session convened at its office in the city of New Orleans, whereat the following members were present, voting affirmatively, and assenting to it, Edmond Souchon, Charles A. Gaudat, and Hampden S. Lewis, passed a resolution prohibiting, in effect, the said vessel from coming into the port of New Orleans and there discharging its passengers, certified copy of which resolution they annexed and made part of their petition; that in pursuance of this resolution Dr. Edmond Souchon, president of the State Board of Health, served a notice on the agents of petitioner (James Sawers & Son) prohibiting the landing of said steamship at the port of New Orleans and at the various other places mentioned therein for the purpose of discharging said passengers, and subsequently the president of said State Board of Health

notified the agents of petitioner that if they attempted to land said passengers at any place contiguous to the port of New Orleans not at that time quarantined that quarantine would at once be established at such place, and that said passengers would not be allowed to land there; that said prohibition virtually applied to all the territory within one hundred miles of the port of New Orleans, and in effect debarred said steamship from landing at any place in the State of Louisiana for the purpose of discharging said passengers, and petitioner annexed and made a part of their petition the notice so received from said State Board of Health.

They averred that while said resolution on its face purported to be general in its character that as a matter of fact same was passed for the specific purpose of prohibiting and preventing said steamship Britania from landing in the State of Louisiana and discharging said passengers therein, inasmuch as for some time prior thereto and even subsequent to the passage of said ordinance said board of health had permitted large bodies of persons coming directly from the same ports in Italy and Sicily via the port of New York to be brought into the city of New Orleans by various railroad companies, and ever since the promulgation of said ordinance more than two hundred such persons, varying in groups of thirty to one hundred in number, had from time to time been permitted to enter said city.

18 That said State Board of Health pretended to base its right to thus exclude persons in good health and not affected with any contagious or infectious disease from the port of New Orleans and neighboring territory upon the authority of said act No. 192 of 1898, and especially under the following portion of section eight (8) of said act, to wit:

"The State Board of Health, in its discretion, may prohibit the introduction into any infected portion of the State persons acclimated, unacclimated or said to be immune, when in its judgment the introduction of such persons would add to or increase the prevalence of the disease."

That said portion of said section eight (8) of said act No. 192 of 1898 did not confer upon the State Board of Health the right to exclude healthy persons from coming from various foreign ports into the port of New Orleans, as pretended by them, and if said section did so confer upon said board said pretended right and authority, same was in violation of the Constitution of the United States, inasmuch as it was an attempt on the part of the State of Louisiana to regulate or prohibit commerce from foreign countries into the United States, or to authorize the regulation or prohibition thereof by said board, and was especially in contravention of article 1, paragraph eight (8), section three (3), thereof, which provided that Congress shall have exclusive power to regulate commerce with foreign nations and among the several States, and petitioners specially pleaded and claimed the benefit and protection of said provision of the Constitution.

Petitioner averred that this arbitrary and illegal action of the State Board of Health and the individual members thereof by de-

taining said vessel at the quarantine station and preventing her from proceeding to the city of New Orleans and there discharging her passengers and cargo had caused great damage and was causing and would continue to cause petitioners further damage to an amount of more than five hundred dollars, and for every day that said vessel was prohibited from discharging said passengers, for the reason that by law and by contract petitioners were compelled to furnish said passengers with lodging and with food, and besides were subjected to a heavy expense in the way of wages for its crew and officers, and various other and sundry expenses which they would not be compelled to suffer were they permitted to land said vessel and discharge its passengers and cargo as they had a right to do.

19 That said arbitrary and illegal action of said board and the members thereof would cause petitioners to suffer heavy damages in the way of loss of business, for the reason that the agents of said steamship in the city of New Orleans had procured for and bound said ship to receive a large and complete cargo of freight destined for ports in Europe, for all of which damage the defendants were liable *in solido* to petitioners; that by reason of said arbitrary and illegal action of said board and the members thereof petitioners had already suffered damages from the cause aforesaid in the sum of twenty-five hundred dollars, and they reserved their right to amend their petition and claim of said board and the members thereof *in solido* any further damage which they might suffer in the premises.

That unless said State Board of Health be restrained by the court it would persist in its illegal and arbitrary refusal to permit said steamer to land said passengers in the city of New Orleans, to the great and irreparable injury of petitioners, and petitioners averred that for the protection of their rights in the premises they were entitled to and desired a writ of injunction directed against the said board of health, its officers and agents, prohibiting and enjoining them and each of them from interfering with or preventing the landing of said steamship at the port of New Orleans and from unloading and discharging its passengers.

In view of the premises, petitioners prayed that said State Board of Health, its president, and said Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet be cited; that a writ of injunction issue, directed to said board of health, enjoining and prohibiting it and its officers, agents, and employees, and each of them, from enforcing said resolution or ordinance of said board of date twenty-ninth (29th) September, 1898, or from prohibiting or interfering in any manner with petitioners bringing their said steamship Britania to the port of New Orleans and there discharging its passengers and cargo; that there be judgment in favor of petitioners and against said State Board of Health and Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet *in solido* in the full sum of twenty-five hundred dollars' damages, with legal interest from judicial demand, and reserving unto petitioners the right to claim from said defendants any further damages which they might thereafter

20 be caused by their said illegal acts; that said portion of section 8 of said act No. 192 of 1898 set forth be declared

null and void as being in contravention of the Constitution of the United States, and that said writ of injunction be made perpetual.

In the second of these petitions they alleged that since the filing of the original petition they had suffered additional damages, as thereinafter set forth, in a sum exceeding eight thousand five hundred dollars, for which, for the reasons set forth in their original petition and in said second petition, the defendants were liable to them in *solido*; that said damage was occasioned by reason of the illegal, unjust, and arbitrary action aforesaid of said State Board of Health and said individual members thereof in the exclusion from the city and port of New Orleans of said vessel and passengers, some of whom were subjects of the King of Italy, entitled to the protection of the treaties between said sovereign and the United States, and who intended to avail themselves of the laws of the United States regulating immigration by entering the State of Louisiana to establish residence in said State or adjoining States; that said im-igrants and other passengers were so excluded and prevented from landing, notwithstanding the fact that said steamer Britania had complied with all the laws of the United States regulating commerce with foreign nations, quarantine, and immigration into the United States, and notwithstanding that said immigrants were coming from ports which were not infected with any contagious or infectious disease, and were not themselves infected with any such disease, but were, at the time of their departure and at all times thereafter, free from any infectious or contagious diseases or diseases that were likely to affect the public health of the citizens of New Orleans or State of Louisiana, and were under the immigration laws entitled to enter; that petitioners had no notice of the intended action of the defendant- in so prohibiting the landing of said passengers and immigrants until the arrival of their steamer Britania at the port of New Orleans, said steamer having sailed prior to the declaration by said board of the existence of an infectious disease in the city of New Orleans.

That by reason of the illegal and arbitrary conduct of the defendants, petitioners were compelled for many days to keep
21 said vessel moored in the river below the city of New Orleans, with all of its said passengers, crew, and cargo aboard; that, as said defendants persisted in their said illegal and arbitrary refusal to permit the landing of said immigrants and passengers in order to minimize as much as possible its damages, petitioners were compelled to send their said steamer to the port of Pensacola, Florida, which was the nearest available port to the port of New Orleans, and there disembark said immigrants and passengers, and thereafter to cause their said steamer to return to the port of New Orleans, to discharge its cargo; that said voyage to and from Pensacola from and to New Orleans, so occasioned, caused a loss of time to said vessel, even with the utmost dispatch, of more than three weeks; that during the illegal detention of said vessel in the Mississippi river and during the voyage to Pensacola and while in said port petitioners were at great expense in the maintenance and care of said immigrants, passengers, and crew of said vessel. More-

over, petitioners suffered great damages, as would be shown on the trial of the case, in the way of extra wages of officers and crew, extra fuel and supplies consumed on said voyage between New Orleans and Pensacola, as well as during the said illegal detention, extra compensation to its agents in this city of New Orleans and at Pensacola, cablegrams, and other expenses. Furthermore, petitioners had suffered large damages by reason of the fact that said vessel thus lost more than twenty-one days on the voyage from her home port and return, which delay occasioned petitioners a large loss, both of business and profits, and the damages thus occasioned to petitioners by said illegal and arbitrary action of said defendant exceeded in the aggregate the sum of eleven thousand dollars, and said damages were caused solely by said illegal and arbitrary action of said board and not otherwise; that said action of said defendants in prohibiting the entrance and landing of said passengers and immigrants in the port of New Orleans and the State of Louisiana was moreover in violation of the laws of the United States and the rules and regulations made in pursuance thereof relating to quarantine at and immigration from foreign countries into ports of the United States, and especially acts of Congress approved February 15th, 1893, and the rules and regulations made in pursuance thereof, and acts of Congress of March 3rd, 1882, and June 26th, 1884, and
22 the rules and regulations made in pursuance thereof, and of the treaties existing between the United States, on the one part, and the Kingdom of Italy and the Republic of France, on the other part, and petitioners specially pleaded and claimed the benefit of said acts and treaties.

The premises considered, petitioners prayed that defendants be cited; that there be judgment in favor of petitioners and against the said defendants, as in their original petition prayed for; and further, that there be judgment in favor of petitioners and against the defendants *in solido* in the full sum of eleven thousand dollars, with legal interest from judicial demand.

Annexed by plaintiffs to their petition was a copy of the resolution of the board of health and of the notice served upon plaintiffs which they had referred to in their pleadings. The notice reads as follows:

"Louisiana State Board of Health.

"SEPTEMBER 29TH, 1898.

"Messrs. Jas. Sawers & Son, agent S. S. Britania, New Orleans, La.

"GENTLEMEN: Referring to the detention of the S. S. Britania at the Miss. River quarantine station with 400 Italian immigrants on board, I have to inform you that under the provisions of the new State Board of Health law, section 8, of which I enclose a marked copy, this board has adopted a resolution forbidding the landing of any body of people in any town, city, or parish in quarantine. Under this resolution the immigrants now on board the Britania cannot be landed in any of the following parishes of Louisiana, namely, Orleans, St. Bernard, Jefferson (right bank), St. Tammany,

Plaquemines, St. Charles, or St. John. You will therefore govern yourself accordingly.

"Respectfully,

"(Signed) EDMOND SOUCHON, M. D.,

"*President Louisiana State Board of Health.*"

The resolution read as follows:

"Resolved, That hereafter in the case of any town, city or parish of Louisiana being declared in quarantine, no body or bodies of people, immigrants, soldiers, or others, shall be allowed to
23 enter said town, city, or parish so long as said quarantine shall exist, and that the president of the board shall enforce this resolution."

Opinion.

At the time of the adoption of the constitution of 1898 there existed in the State of Louisiana a State Board of Health, with powers and duties defined and fixed by law.

Article 296 of that constitution directed that the General Assembly should create for the State, and for each parish and municipality therein, boards of health, and should define their duties and prescribe the powers thereof.

On the 14th of July, 1898, the governor of the State approved act No. 192, enacted by the General Assembly at the session of 1898. The act was entitled "An act to carry into effect article 296 of the constitution of the State of Louisiana in relation to boards of health; to protect and preserve the public health; to provide for the establishment and organization of a State Board of Health and parish and municipal boards of health; to define the powers, duty and authority of said boards; to provide for the appointment and election of officers and employees of said board; to authorize the State board to prepare and promulgate a sanitary code for the State of Louisiana, and fixing penalties for the violation thereof; to provide for the gereral sanitation of the State, and a local sanitation of the parishes and municipalities; to authorize the regulation of the isolation of cases of infectuous and contagious diseases and a maritime and land quarantine against places infected with such diseases; to repeal all laws and parts of laws, special and general, in conflict with the provisions of this act; and to provide for the succession of the boards created by this act to all powers, authority, rights, claims and property of the present boards."

By the second section of the act the duties and powers of the president and secretary and treasurer of the State board were declared to be those incident to like officers in similar corporations, and also such other powers and duties then devolved by law upon their predecessors in the existing board as well as those additionally prescribed by the provisions of the act. In addition to said
24 powers and duties already prescribed by existing laws, the president was granted the power after the adjournment of the board, and during the interval of time between the meetings of the board and when the board was not in session, to issue all orders and war-

rants, and to take all necessary steps to execute the sanitary laws of the State, and to carry out the rules, ordinances, and regulations of the board made therein, and in his discretion to call special meetings of the board whenever in his opinion an emergency should require it.

By the third section the board was granted all the powers, authority, and jurisdiction then possessed by the existing board of health under the laws then in force, except in so far as modified and changed by the provisions of the new law.

It was given exclusive jurisdiction, control, and authority over maritime quarantine within the State, as then provided by existing laws.

It was also given supervisory power over land quarantine and over the care and control of infectuous and contagious diseases within the State in order to accomplish the subsidence and suppression thereof and to prevent the spread of the same. Such supervision and control was directed to be exercised in the manner and to the extent laid down in the act.

By the eighth section it was enacted that in case any parish, town, or city should become infected with any contageous or infectious disease to such an extent as to threaten the spread of such disease to other portions of the State, the State Board of Health was directed to issue its proclamation declaring the facts and ordering it in quarantine and to order the local boards of health in other parishes, towns, and cities to quarantine against said locality, and it was further directed to establish and promulgate the rules and regulations, terms, and conditions on which intercourse with said infected locality should be permitted.

The State Board of Health was authorized, at its discretion, to prohibit the introduction into any infected portions of the State of persons acclimated, unacclimated, or said to be immune when in its judgment the introduction of such persons would add to or increase the prevalence of the disease.

25 Plaintiff contends that the State Board of Health requires that the court should read in the eighth section of act No. 192 of 1898 a grant of authority to prohibit the introduction into the State of healthy persons coming from places not infected with infectuous or contagious diseases.

In their brief they say: "If this was the intention of the legislature, why did it express its object to be 'to authorize a maritime and land quarantine' against places 'infected' with contagious or infectious diseases? If an authority was intended to be given to establish maritime quarantine against any place whatsoever, without reference to the existence of disease there, the legislature would certainly not have qualified the noun 'places' by the adjective 'infected.'

"It is clear that the effect of that adjective is to qualify and make special what was before general; to limit the number, and, as it were, to put a badge upon the places against which maritime quarantine can be declared, and hence to put a restriction upon the power of the board.

"If the existence of disease at some place or in relation to some individual was not a condition upon the board's power to quarantine, it inevitably follows that the act contains something supremely important not expressed in its title, namely, a power to quarantine against any place and exclude from the State any people whatsoever, totally irrespective of the existence of infectuous or contagious disease in relation to such person or place.

"We submit that the court will not adopt a course of reasoning which leads to this result.

"It must presume that the legislature intended to obey article 31 of the constitution, and to sanction no object in the act not expressed in the title. *A fortiori*, will the court indulge the presumption, when it finds that the title of the act declares the intention of conferring a limited and defined as opposed to a general power, as the legislature was bound by the constitutional mandate to do; that the measure of the power granted in relation to maritime quarantine is declared by the act to be fixed by existing laws in force, which laws are conceded by the contention of the defendants in this case to confer only a limited power, and plaintiff
26 urges that if the statute of 1898 did authorize the State Board of Health to exclude from this State healthy persons coming from other States or from foreign countries, it was not a lawful exercise of the legislative power by the State of Louisiana.

"That the statute on its face and as applied is void for the reason that it is in violation of article 1, section 8, of the Constitution of the United States, because it vests authority in the State Board of Health in its discretion to interfere with or prohibit foreign commerce; because it deprives the plaintiff of its liberty and property without due process of law, and denies it the equal protection of the law, in violation of section one of the fourteenth article of amendment of the Constitution of the United States.

"Because it denies rights, privileges, and immunities secured to subjects of the King of Italy and to the citizens of the Republic of France by treaties between the United States and said countries, in that it vests the board of health with power to deny the right of free visitation and trade to Italian subjects and French citizens as granted by said treaties.

"Because it is in conflict with the immigration laws of the United States made in pursuance of the Constitution of the United States."

We would not render act No. 192 of 1898 unconstitutional as violative of article 31 of the constitution of 1898, which declares that "every law enacted by the General Assembly shall embrace but one object and that shall be expressed by its title," by holding that that act conferred authority upon the State Board of Health to prohibit the introduction into any infected portion of the State — persons acclimated, unacclimated, or said to be immune coming on shipboard from foreign countries and ports, whether infected or not, when in its judgment the introduction of such persons would add to or increase the prevalence of the disease.

Were we to hold that the act conferred such power, the granting

of the power in the body of the act could be very legitimately referred to several different clauses of the title.

It would be very properly covered either by its declared object of "carrying into effect article 296 of the constitution of the State in relation to boards of health, providing for the establishment and organization of a State board of health and of defining the
27 power, duty, and authority of said board," or its object "of protecting and preserving the public health," or "of authorizing the regulation of the isolation of infectious and contagious diseases."

We have ourselves recently held in the case of Allopathic State Board of Medical Examiners *vs.* Fowler, 50th Ann., that it is a sufficient compliance with the constitutional requirements of the title if the title indicates the general purposes of the law without specifying in detail each particular provision of the law.

(See on this subject 23rd vol. Am. & Eng. Ency. of Law, page 229 *et seq.*; Cooley's Constitutional Limitations, page 173; State of Louisiana *vs.* Crowley, Nolan, Giles, and Bertin, 33rd Ann., 783; State *vs.* Dalon, 35th Ann., 1141; American Printing House *vs.* Dupuy, 37th Ann., 188.)

Appellants urge upon us that the General Assembly did not intend, by and through act No. 192 of 1898, to confer upon the State board of health the power which it exercised of preventing them from landing the Britania and its passengers, as stated in their petition, nor did it do so.

We do not think this proposition well founded. There is nothing in the terms of the statute which would justify us in giving to it the narrow construction for which plaintiffs contend.

The fact that the title contains a clause to authorize a "maritime and land quarantine against places infected with infectious and contagious diseases" is not inconsistent with nor does it control or circumscribe the broad and general terms of other clauses.

Appellee properly claims that it in nowise affects the "power," "duty," and "authority" of the board to prevent the spread of the disease when once introduced by quarantining against persons coming into an infected district.

The act, in its title, authorizes the State board to regulate the isolation of cases of infectious and contagious diseases, leaving it to adopt the method to be pursued for bringing about this isolation.

In its body it confers, in very broad terms, a supervisory power over the case and control of infectious diseases within the State, "in order to accomplish the subsidence and suppression thereof
28 and to prevent the spread of the same."

That no doubt could exist as to the scope of the power, it conferred upon the board "the right to regulate the terms and conditions on which intercourse with infected localities should be permitted," and in clear, unambiguous language authorized it at its discretion to prohibit the introduction into any infected portion of the State — persons acclimated, unacclimated, or said to be immune,

when in its judgment the introduction of such persons would add to or increase the prevalence of the disease.

The law does not limit the board to prohibiting the introduction of persons from one portion of the State to another and an infected portion of the State, but evidently looked as well to the prohibition of the introduction of persons from points outside of the State into any infected portion of the State. As the object in view would be "to accomplish the subsidence and suppression of the infectious and contagious diseases and to prevent the spread of the same," it would be difficult to see why parties from outside of the State should be permitted to enter into infected places, while those from the different parishes should be prevented from holding intercourse with each other.

The object in view was to keep down, as far as possible, the number of persons to be brought within danger of contagion or infection, and by means of this reduction to accomplish the subsidence and suppression of the disease and the spread of the same.

The particular places from which the parties, who were to be prohibited from entering the infected district or districts, came could have no possible influence upon the attainment of the result sought to be attained.

It would make no possible difference whether this "added fuel" sought to be excluded should come from Louisiana, New York, or Europe.

We see nothing in the particular place in the act in which this power is conferred to cause us to suppose that the legislature intended to place upon it the limitations which appellants contend for. They claim that the powers of the present board were those of its predecessor, but this is obviously not the case.

The new board was given by the third section of the act the powers of the old, but with such modifications as would be operated under the provisions of the article of 1898.

29 It is very clear that the General Assembly intended to grant additional powers to the board, and this very power was beyond question one of them.

During the fall of 1897, and during the existence of an epidemic, a vessel arrived in the Mississippi river with emigrants aboard under conditions similar to those under which the Britania reached the same stream in 1898.

The excited public discussions at the time as to the right of the State board, under the then existing law, to prevent the landing of the emigrants and as to its duty in the premises were so extended as to authorize us to take judicial notice of the fact, and in our opinion the clause in the present act which covers that precise matter was inserted therein for the express purpose of placing the particular question outside of the range of controversy.

For a number of years past emigrants have been coming into New Orleans in the autumn from Italy.

There was a probability when the General Assembly met in 1898 that the epidemic of 1897 might be repeated, and a great probability that emigrants would seek to enter, as they had done the year be-

fore, to the great danger not only of the people of Louisiana, but of the emigrants themselves.

Independently of this, there was great danger to be apprehended from the increasing intercourse between New Orleans and the West India islands in consequence of a war with Spain.

It was to ward off these dangers that this particular provision was inserted in the act of 1898.

Appellants maintain that the act of the General Assembly is violative of the Constitution of the United States and in contravention of its treaties with France and Italy and its immigration laws.

We are not of that opinion.

It is the right and duty of the different States to protect and preserve the public health.

This right is not held by the States by permission of the Federal Government, nor is its legitimate and proper exercise controlled by that Government simply by reason of the existence of a power in the latter "to regulate commerce."

30 As a matter of course, State legislation which would cross the boundary line which separates the State's police power of protecting the public health to really interfere with and invade the right and power of the General Government to regulate commerce would be set aside, but it is not every restriction upon commercial operations, remotely and incidentally brought about by the passage of State health laws, which can properly be designated as such interference or invasion.

In re Rahrer, 140th U. S., 554, the Supreme Court of the United States, speaking through Chief Justice Fuller, made use of the following language:

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

"And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution infringing upon any right which has been confided expressly or by implication to the General Government.

"The fourteenth amendment, in forbidding a State to make or to enforce any law abridging the privileges and immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person the equal protection of the laws, did not invest nor attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation.

"It is not to be doubted that the power to make ordinary regulations of police remains with the individual States and cannot be assumed by the National Government, and that in this respect it is not interfered with by the fourteenth amendment."

In Gibbons *vs.* Ogden, 9 Wheaton, page 203, Chief Justice Mar-

shall, referring to State inspection laws, said that "they were certainly recognized in the Constitution as being passed in the exercise of a power remaining with the States.

"That inspection laws might have a remote and considerable influence upon commerce could not be denied, but that a power
31 to regulate commerce could not be admitted as the source from which the right to pass them was derived.

"That they formed a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all of which could be most advantageously exercised by the States themselves.

"That inspection laws, health laws of every description, as well as laws for regulating the internal commerce of a State and those which respect turnpike roads, ferries, etc., were component parts of this mass.

"That no direct general power over those objects was granted to Congress, and consequently they remained subject to State legislation."

The General Assembly of this State, in enacting act No. 192 of 1898, was not acting or claiming to act under "a power to regulate commerce," as the source from which it derived the right to pass the act.

Its source was the police power of the State, exercised for the protection and preservation of the public health.

No one who reads the act or who knows and appreciates the circumstances under which it was enacted can for a moment doubt the perfect sincerity of the General Assembly in dealing with this matter.

It was futile to say that there was any other purpose in view than that which appears on the face of the act.

There could exist no other possible motive than that announced.

None other could be plausibly suggested.

We not only think the legislature acted in absolute good faith and under no disguisement, but are of the opinion that the legislation was timely and judicious, well calculated to assist "in accomplishing the subsidence and suppression of infectious and contagious diseases and preventing the spreading of same," and we are further of the opinion that the action of the State board was legally taken under the provisions of the act, and not arbitrary and unjustifiable as claimed.

The conclusions we have reached as to the provisions of act No. 192 not being unconstitutional, as infringing upon the right and power of Congress to regulate commerce, carries with it as a result the holding by this court that the act was not in contravention of the treaties of the United States with France or Italy
32 or of the im-igration laws of the General Government, or of any rights secured by the fourteenth amendment of the Constitution of the United States.

The treaties and laws of the United States must be held to have been passed with reference to and subsidiary to the rightful exercise of the police power by the different States in aid of the protec-

tion and preservation of the public health within their respective borders.

We scarcely think it could be pretended that an act of the General Assembly of Louisiana, under the provisions of which a shipload of citizens of the State of New York could be legally prevented from being landed in the city of New Orleans during an epidemic, could by reason of a treaty be held, as against foreigners coming to our shores, to be inoperative, null, and void.

They could have no broader rights than our own citizens in this matter, and should be subjected to the same restrictions and inconveniences which they are when these are demanded at their hands for the preservation and protection of the public health.

The claim of the plaintiffs that they have been deprived in the premises of their liberty and property without due process of law is utterly untenable.

They have not been deprived of liberty nor of property, but simply prevented from doing an act which, if permitted to be done, would not only be to the great injury and damage of the people of Louisiana, but in all likelihood to the great damage and injury of the passengers upon their ship.

We do not see "what process of law" beyond that taken could have been taken by the health authorities.

It is very unfortunate that plaintiffs' ship and her passengers should have been detained as they were, but, if loss has been suffered, it is *damnum absque injuria*.

The defendant board is not an ordinary corporation; it is a "body politic," with corporate powers, with the right to sue and be sued.

It is a governmental public agency, representing the State in respect to the matters with which it stands enfrusted.

Were this court to find plaintiffs entitled to a judgment, it would not be an ordinary judgment, susceptible of execution by *fi. fa.*
33 The judgment would be substantially one against the State, and of the character of those referred to in article 192 of the present constitution.

Plaintiffs charge that the resolution adopted by the board of health, though general in terms, was in reality directed specially against them.

The arrival of plaintiffs' ship under the circumstances it did may have given rise to the resolution as evidencing a necessity for action under the power conferred on the board by the act of 1898, but the fact that it was the first person to whom the resolution was made to apply would not justify the charge that it was specially aimed in an offensive sense at the plaintiffs.

The resolution is general, and there is no reason to suppose that it would not have been executed against any other ship or ships which might fall under its terms.

Be that as it may, if the board had the legal power and right to act as it did, the motive with which it may have been done is not a matter for our consideration.

Our conclusions absolve necessarily the members of the board from legal liability for their course.

For the reasons assigned it is ordered and decreed that the judgment appealed from be, and the same is hereby, affirmed.

Petition for Writ of Error and Order.

The Supreme Court of Louisiana.

LA COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
THE STATE BOARD OF HEALTH OF LOUISIANA ET ALS. } No. 13076.

To the Honorable Francis T. Nicholls, chief justice of the supreme court of Louisiana, and to the said court:

The petition of La Compagnie Francaise de Navigation a Vapeur, plaintiff in the above entitled and numbered cause, respectfully shows—

That in the record and proceedings, and also in the rendition of the final judgment in this cause by the honorable the supreme
34 court of Louisiana, there was drawn in question the validity of a statute of said State of Louisiana, to wit, act No. 192 of 1898, on the ground of its being repugnant to and in contravention of the Constitution of the United States and repugnant to and in contravention of the laws and treaties made by virtue of and in pursuance thereto, and especially repugnant to and in contravention of paragraph 4 of section 8 of article 1 of the said Constitution and section 1 of the 14th article of amendment thereof, and of article 1 of the treaty of February 26, 1871, being the treaty of the United States with the Kingdom of Italy, and of the treaty of April 30th, 1803, art. VIII, being the treaty of the United States with the Republic of France, and other treaties with the same country, and repugnant to and in contravention of the following immigration acts of Congress, to wit:

Act approved March 3, 1875, chap. 141.
Act approved Aug. 3, 1882, chap. 376.
Act approved June 26, 1884, chap. 121.
Act approved Feb'y 26, 1885, chap. 164.
Act approved March 23, 1887, chap. 220.
Act approved March 3, 1891, chap. 551.

That there was also drawn in question the said paragraph 4, section 8, of article 1 of the said Constitution of the United States and the 14th article of amendment thereof and all of the aforesaid treaties and acts of Congress, and the said decision of the said supreme court of Louisiana was against the rights, titles, privileges, and immunities specially set up and claimed under said articles of said Constitution and under the said treaties and acts of Congress.

That the said judgment of the said supreme court of Louisiana is now final, and the said court is the highest court of law and equity of the said State in which a decision of this cause could be had.

That, as the plaintiff is advised, informed, and believes, there is error to its prejudice in the said final judgment rendered against it, as aforesaid, and that said plaintiff has a right and desires to have the said cause removed by writ of error to the Supreme Court of the United States.

Wherefore petitioner prays that the writ of error herewith presented may be allowed, and the bond herewith presented
35 approved, and a citation to the defendants and each of them in this cause duly signed in accordance with the acts of Congress, and for all general relief.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Petitioner.

Order.

Let a writ of error be allowed in this cause as within prayed for and according to law, returnable to the Supreme Court of the United States within thirty days from the date hereof, upon appellant furnishing bond in the sum of $500, conditioned as the law directs.

(Signed) FRANCIS T. NICHOLLS,
Chief Justice of the Supreme Court of the State of Louisiana.

New Orleans, April 13th, 1899.

(Endorsed:) No. 13076. Supreme court of Louisiana. La Compagnie Francaise de Navigation a Vapeur *vs.* The State Board of Health of Louisiana *et als.* No. 13076. Petition for writ of error and order. Filed April 13th, 1899. (Signed) Paul E. Mortimer, deputy clerk.

Copy of Writ of Error.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between The Compagnie Francaise de Navigation a Vapeur, plaintiff, and The State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet, defendants, wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being
36 repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the construction of a clause of the

Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said The Compagnie Francaise de Navigation a Vapeur, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so you have the same at Washington within 30 days from the date hereof, in the said Supreme Court, to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 13th day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

(Signed) E. R. HUNT,
[SEAL.] *Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.*

Allowed by—
(Signed) FRANCIS T. NICHOLLS,
Chief Justice of the Supreme Court of the State of Louisiana.

(Endorsed:) No. 13076. Compagnie Francaise de Navigation a Vapeur *versus* State Board of Health *et als.* Writ of error. Copy of a writ of error lodged in the clerk's office of the supreme court of Louisiana, in pursuance of the statute in such cases made and provided, this thirteenth day of April, one thousand eight hundred and ninety-nine. (Signed) Howe, Spencer & Cocke, attorneys of plaintiff in error. Filed Ap'l 13th, 1899. (Signed) Paul E. Mortimer, dep. clerk.

37 *Assignment of Errors.*

Supreme Court.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH FOR THE STATE OF LOUISIANA, Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet.

On writ of error to transfer case to the Supreme Court of the United States.

Assignment of errors.

And now comes the plaintiff in this suit on writ of error to remove the same to the Supreme Court of the United States and

assigns for error in the opinion and judgment of the supreme court of Louisiana in this cause the following:

I.

The supreme court of Louisiana erred in affirming the judgment of the civil district court for the parish of Orleans in this cause.

II.

The supreme court of Louisiana erred in sustaining the peremptory exception of the defendants in this cause.

III.

The supreme court of Louisiana erred in holding that the plaintiff's suit was properly dismissed by the civil district court for the parish of Orleans.

IV.

The supreme court of Louisiana erred in holding that the act of the General Assembly of Louisiana No. 192 of 1898 or any portion thereof, and especially section 8 of said act, conferred upon the defendant The State Board of Health the authority to exclude or interfere with legitimate foreign commerce as claimed by the defendants and as done by them as set forth in the pleadings in this cause.

V.

Even if section 8 of the act of the General Assembly of Louisiana No. 192 of 1898 attempted to confer upon the said de-
38 fendant, The State Board of Health, authority to exclude or interfere with legitimate foreign commerce in the manner stated in the petition and supplemental petition of the plaintiffs in this cause and admitted by the peremptory exception of the defendants herein, the supreme court of Louisiana erred in holding that section 8 of said act 192 of 1898 as construed and applied by the defendants in the premises was not repugnant to the 8th section of the 1st article of the Constitution of the United States, conferring on Congress the power to regulate commerce with foreign nations.

VI.

That even if section 8 of the act of the General Assembly of Louisiana No. 192 of 1898 did attempt to confer upon the defendant The State Board of Health the right and authority to exclude or interfere with the subjects and citizens of foreign governments seeking to enter the State of Louisiana in the manner conceded by the pleadings in this cause, the supreme court of Louisiana erred in holding that said section 8 of said act 192 of 1898, as construed and applied by the defendants, was not in conflict with the treaties between the United States, on the one part, and the Republic of France and the Kingdom of Italy, on the other parts, guaranteeing certain rights, privileges, and immunities to the subjects and citizens of

said foreign countries, the said treaties being as follows: The treaty with Italy of February 26, 1871, proclaimed November 23rd, 1871, article 1, and the treaty with France of April 30, 1803, article 8.

VII.

The supreme court of Louisiana erred in sustaining the peremptory exception of defendants and in dismissing the suit of plaintiffs in this, that section 8 of the act of the General Assembly of Louisiana No. 192 of 1898, as relied upon and applied by the defendants and as construed and applied by the court, contravenes the 14th article of amendment of the Constitution of the United States, section 1, by depriving the plaintiff of its liberty and property without due process of law and by denying to it the equal protection of the laws.

VIII.

The supreme court of Louisiana erred in holding that section 8 of the act of the General Assembly of Louisiana No. 192 of
39 1898, relied upon by the defendants and applied by them and as construed and applied by the court, did not contravene the acts of the Congress of the United States regulating foreign immigration into the United States, which acts are as follows:

March 3, 1875, chap. 141.
August 3, 1882, chap. 376.
June 26, 1884, chap. 121.
February 26, 1885, chap. 164.
March 23, 1887, chap. 120.
March 3, 1891, chap. 551.

And for these and other errors apparent on the face of the record plaintiff in error prays that the final judgment of the supreme court of Louisiana in this cause be reversed and this cause remanded to that court with instructions to reverse the judgment of the court of first instance, and to remand the cause to that court to be further proceeded with according to law, and for such other and further judgment and decree as may be proper in the premises.

(Signed) HOWE, SPENCER & COCKE,
Attorneys for Plaintiff.

(Signed) W. W. HOWE, *Of Counsel.*

(Endorsed:) No. 13076. Supreme court of Louisiana. Compagnie Francaise de Navigation a Vapeur *vs.* State Board of Health *et als.* Assignment of errors. Filed April 13th, 1899. (Signed) Paul E. Mortimer, dep. clerk.

Bond for Writ of Error.

Know all men by these presents that we, The Compagnie Francaise de Navigation a Vapeur, as principal, and James Sawers, of the city of New Orleans, as surety, are held and firmly bound unto the State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet, of said Louisiana, in the full and just sum of five hundred dollars, to be paid to the said obligees and each of

them and their and each of their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

40 Sealed with our seals and dated this 13th day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

Whereas lately, at a term of the supreme court of Louisiana, in a suit depending in said court between the said Compagnie Francaise de Navigation a Vapeur, plaintiff, and the said The State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, and Charles A. G ndet, defendants, No. 13076, a final judgment was rendered against the said plaintiff, The Compagnie Francaise de Navigation a Vapeur, and the said plaintiff company, principal obligor herein, having obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the final judgment in the aforesaid suit, and a citation directed to the said obligees, citing and admonishing them to be and appear before the Supreme Court of the United States, to be holden at Washington, within 30 days from the date thereof:

Now, the condition of the above obligation is such that if the said The Compagnie Francaise de Navigation a Vapeur, plaintiff in error, shall prosecute its said writ of error to effect and answer all damages and costs if it fail to make its plea good, then the above obligation to be void; else to remain in full force and virtue.

COMP. FRANCAISE DE NAVIGATION A VAPEUR,

(Signed) P. pro. JAMES SAWERS & SONS, [SEAL.]
Agents.

(Signed) EDMUND J. WHEELAHAN. [SEAL.]

(Signed) JAMES SAWERS. [SEAL.]

Sealed and delivered in presence of—

(Signed) W. W. HOWE.

Approved by—

(Signed) FRANCIS T. NICHOLLS,
Chief Justice of the Supreme Court of the State of Louisiana.

(Endorsed:) I have no objection to this bond. (Signed) F. C. Zacharie, att'y for def'd'ts & appellees. No. 13076. Compagnie, &c., *vs.* State Board of Health. Bond. Filed April 13th, 1899. (Signed) Paul E. Mortimer, dep. clerk.

41 *Stipulation as to Transcript.*

Supreme Court of Louisiana.

COMPAGNIE FRANCAISE DE NAVIGATION A VAPEUR
vs.
STATE BOARD OF HEALTH ET ALS. } No. 13076.

In order to diminish the record and exclude therefrom all unnecessary matter it is hereby stipulated and agreed between counsel for the plaintiff and for the defendants that for the purpose of a writ of error to the Supreme Court of the United States the record in this cause shall consist of—

1st. Copy of the original petition and Exhibits A and B annexed thereto.

2nd. Copy of the supplemental and amended petition.

3rd. Copy of the exception of no cause of action filed in behalf of the defendants.

4th. The judgment of the civil district court, division C, dismissing the plaintiff's suit.

5th. The motion of the plaintiff for a suspensive appeal to the supreme court of Louisiana.

6th. The bond for a suspensive appeal given by the plaintiff.

7th. The assignment of errors filed in the supreme court of Louisiana by the plaintiff.

8th. The opinion and decree of the supreme court of Louisiana affirming the judgment of the civil district court, division C.

9th. The petition for a writ of error to the Supreme Court of the United States.

10th. The writ of error to said Supreme Court of the United States.

11th. Assignment of errors in Sup. Ct. U. S.

12th. The supersedeas bond given by the plaintiff.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Def'd't.

(Do.) F. C. ZACHARIE,
Att'ys for Def'd'ts.

(Endorsed:) No. 13076. Supreme court of Louisiana.
42 Compagnie Francaise de Navigation a Vapeur *vs.* State Board of Health *et als.* Stipulation as to transcript. Filed April 13th, 1899. (Signed) Paul E. Mortimer, dep. clerk.

Clerk's Certificate.

UNITED STATES OF AMERICA, }
State of Louisiana. }

Supreme Court of the State of Louisiana.

I, Thomas McCabe Hyman, clerk of the supreme court of the State of Louisiana, do hereby certify that the foregoing forty-two

pages contain a full, true, and complete copy of the transcript of the proceedings had in the civil district court for the parish of Orleans, wherein The Compagnie Francaise de Navigation a Vapeur were plaintiffs and The State Board of Health, through Edmond Souchon, its president, and said Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet were defendants, and also of all the proceedings had in this supreme court on the appeal taken by said plaintiffs, which appeal is now on the files thereof under No. 13076.

In testimony whereof I have hereunto set my hand and affixed the seal of this honorable court, at the city of New Orleans, this fifteenth day of April, anno Domini one thousand eight hundred and ninety-nine, and in the one hundred and twenty-third year of the Independence of the United States of America.

Seal Supreme Court of the State of Louisiana.

T. McC. HYMAN, *Clerk.*

Certificate of the Chief Justice.

UNITED STATES OF AMERICA, *State of Louisiana.*

Supreme Court of the State of Louisiana.

I, Francis Tillou Nicholls, chief justice of the supreme court of the State of Louisiana, do hereby certify that Thomas McCabe
43 Hyman is clerk of the supreme court of the State of Louisiana; that the signature of Thomas McCabe Hyman to the foregoing certificate is in the proper handwriting of him, the said clerk; that said certificate is in due form of law, and that full faith and credit are due to all of his official acts as such.

In testimony whereof I have hereunto set my hand and seal, at the city of New Orleans, this fifteenth day of April, in the year of our Lord one thousand eight hundred and ninety-nine, and of the Independence of the United States of America the one hundred and twenty-third.

Seal Supreme Court of the State of Louisiana.

FRANCIS T. NICHOLLS,
Chief Justice.

44 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had, in the said suit between The Compagnie Francaise de Navigation à Vapeur, plaintiff, and The State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet, defendants, wherein was drawn in question the validity of a treaty or

statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the
45 construction of the clause of the Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said The Compagnie Francaise de Navigation à Vapeur, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, within 30 days from the date hereof, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 13th day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

{Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La.}

E. R. HUNT,
Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.

Allowed by—
FRANCIS T. NICHOLLS,
Chief Justice of the Supreme Court of the State of Louisiana.

46 [Endorsed:] No. 13076. Compagnie Francaise de Navigation a Vapeur *versus* State Board of Health *et als.* Writ of error. Filed Ap'l 13th, 1899. Paul E. Mortimer, dep. clerk.

47 THE UNITED STATES OF AMERICA:

Supreme Court of Louisiana.

The President of the United States to the State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, and Charles A. Gaudet, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of

Washington, within 30 days from date hereof, pursuant to a writ of error filed in the clerk's office of the supreme court of Louisiana, wherein The Compagnie Francaise de Navigation à Vapeur is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said Compagnie Francaise de Navigation à Vapeur, as in said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 13th day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

FRANCIS T. NICHOLLS,
Chief Justice of the Supreme Court of the State of Louisiana.

Service accepted for defendants in error.

F. C. ZACHARIE,
Att'y for Def'd'ts in Error.

48 [Endorsed:] United States circuit court, eastern district of Louisiana. No. 13076. Compagnie Francaise de Navigation a Vapeur *vs.* State Board of Health *et als.* Citation. Marshal's return. Filed Ap'l 13th, 1899. Paul E. Mortimer, dep. clerk.

Endorsed on cover: File No., 17,396. Louisiana supreme court. Term No., 286. The Compagnie Francaise de Navigation à Vapeur, plaintiff in error, *vs.* The State Board of Health of Louisiana, Edmond Souchon, Hampden S. Lewis, & Charles A. Gaudet. Filed May 6th, 1899.